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REMARKS/ARGUMENTS

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Claims 1-7 and 23-25 are pending in the present application. Claims 1, 3, 6 and 25 are amended. Claims 8-22 are canceled. Support for the claim amendments can be found in the claims as filed, and on page 10, line 18-page 11, line 9 of the Specification. Reconsideration of the claims is respectfully requested.

In this Amendment, Applicants have canceled claims 8-22 from further consideration in this application. Applicants are not conceding that the subject matter encompassed by claims 8-22 is not patentable. Claims 8-22 were canceled in this Amendment solely to facilitate expeditious prosecution of the remaining claims. Applicants respectfully reserve the right to pursue additional claims, including the subject matter encompassed by claims 8-22, as presented prior to this Amendment in one or more continuing applications.

I.   35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 8, 14, 20, and 22 under 35 U.S.C. § 102 as being anticipated by *Tsukagoshi* et al. (US 6,115,077), hereinafter "*Tsukagoshi*".

In order to narrow the issues in determining patentable subject matter, and to expedite prosecution, claims 8, 14, 20, and 22 are canceled. Cancellation of the claims is for the purposes of expediting prosecution only. Applicants do not concede that the subject matter of claims 8, 14, 20, and 22 is not patentable over the cited art, and retain the right to pursue the subject matter of those claims in a continuation application.

II(a).   35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 1, 3, 5, 7, 9, 10, 15, 16, 18, 21, 24, and 25 under 35 USC 103(a) as being unpatentable over *Lapierre* (US 6,075,550), hereinafter "*Lapierre*" in view of *Robson et al.* (US Pat. App. No. 2004/006767 A1), hereinafter "*Robson*". This rejection is respectfully traversed

Amended claim 1 is as follows:

1.   (Currently Amended) A method in a data processing system for processing multimedia program data, the method comprising:
        identifying text in subtitles in the multimedia program data to generate a set of text;
        analyzing the set of text to obtain a rating;
        identifying a <u>video</u> portion of the multimedia program data that should be altered based on the rating <u>obtained from the set of text</u> to form an identified portion; and
        altering the identified portion.

With regard to claim 1, the Examiner states the following:

> With respect to claim 1, Lapierre teaches the claimed "identifying text in the subtitles in the multimedia program data to generated a set of text" by disclosing a closed caption decoding device 300 that separates the closed caption portion of a video signal and generates a text data signal (col. 2, lines 47-50; col. 3, lines 14-24 and Fig. 1&2). The claimed "analyzing the set of text to obtain a rating; identifying a portion of the multimedia program data that should be altered based on the rating to form an identified portion; and altering the identified portion" is met in part by Lapierre that teaches the used of a censoring device 400 that performs an analysis on the text data signal, identifies an objectionable word, and alters the text or the audio accordingly (col. 2, lines 50-54; col. 3, lines 33-42; col. 5, lines 33-56 and Fig. 1&2).
>
> The Lapierre reference is silent with respect to the obtaining of a rating and the use of such a rating to form an identified portion. However, in the same field of endeavor, the Robson et al. portion teaches the use of a rating system in the identification of an objectionable portion of a multimedia program, whereby different types and levels of intensity of objectionable material are used (Abstract; paragraphs [0003], [0012], [0019], [0021], [0045]-[0059], [0012], [0147], [0158].
>
> It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Lapierre with that of Robson et al. in order to allow for a greater selectivity in the filtering of objectionable content. Such a modification would allow the invention of Lapierre to offer subscribers varying degrees of objectionable content filtering.

Office Action dated February 22, 2008, pp. 4-5.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In determining obviousness, the scope and content of the prior art are... determined; differences between the prior art and the claims at issue are... ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or non-obviousness of the subject matter is determined. *Graham v. John Deere Co.*, 383 U.S. 1 (1966). "Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue." *KSR Int'l. Co. v. Teleflex*, Inc., No. 04-1350 (U.S. Apr. 30, 2007). "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.* (citing *In re Kahn*, 441 F.3d 977, 988 (CA Fed. 2006)).

Lapierre in view of *Robson* does not make obvious claim 1 as amended, because *Lapierre* in view of *Robson* does not teach "identifying *a video portion... that should be altered based on the rating obtained from the set of text.*"

Lapierre discloses a censoring system wherein closed captioning information is used to alter the closed captioning content, or the audio content of a video. *Lapierre* does not disclose altering the video component of the video signal. The Examiner's cited passage from *Lapierre* discloses only that alterations can be made to the audio, and closed captioning content of the multimedia message. Likewise, the remainder of *Lapierre* also does not disclose identifying a video portion that should be altered based on the rating obtained from the set of text.

Robson does not overcome the deficiencies of *Lapierre*. *Robson* discloses a system for censoring a media signal wherein filtering is based on filter codes that have been embedded into the vertical blanking interval of the video signal. Upon receipt of the signal, the embedded filter codes are decoded, and the video is censored if the filter codes do not correspond to a user preference. Thus, whether the video should be censored is based on the filter codes that were previously embedded into the video stream. The video is not edited based on the content of a set of text obtained from subtitles in the multimedia program data.

The proposed combination of these references when considered together as a whole does not render claim 1 obvious. Therefore, in light of the amendments to claim 1, the cited references do not state a *prima facie* obviousness rejection against these claims. Applicants submit that the rejection of claim 1 under 35 U.S.C. § 103 has been overcome.

Claims 3, 5, 7, 24, and 25 depend from claim 1. The obviousness rejections of claims 3, 5, 7, 24, and 25 are predicated upon the assertions made with respect to claim 1. As shown above, *Lapierre* in view of *Robson* do not make obvious claim 1, and therefore do not make obvious claims 3, 5, 7, 24, and 25, at least by virtue of their dependency on claim 1. Therefore, in light of the amendments to claim 1, the cited references do not state a *prima facie* obviousness rejection against claims 3, 5, 7, 24, and 25. Applicants submit that the rejections of claims 3, 5, 7, 24, and 25 under 35 U.S.C. § 103 have been overcome.

II(b). 35 U.S.C. § 103, Obviousness

The Examiner has rejected claim 2 under 35 USC 103(a) as being unpatentable over *Lapierre* (US 6,075,550), hereinafter "*Lapierre*" in view of *Robson et al.* (US Pat. App. No. 2004/006767 A1), hereinafter "*Robson*", as applied to claim 1 above, and further in view of *Devara et al.* (US Pat. App. No. 2002/0078452 A1), hereinafter "*Devara*".

With regard to claim 2, the Examiner states the following:

> With respect to Claim 2, the Lapierre reference in view of the Robson et al. reference teach a system of identifying text in subtitles, analyzing this text to obtain a rating, selecting and altering a corresponding portion of video and/or audio. However, *Lapierre* does not specifically disclose that the text is identified by performing optical character recognition (OCR) on the subtitles. The Devara et al. reference teaches that a program can be classified according to the identification of cues in the transcript information provided with the program and that text can be generated from the transcript information via OCR (see the Abstract and par. 0019). It would have been obvious to one of ordinary skill in the art to have combined the Lapierre reference in view of the Robson et al. references, as described above, with the additional teachings of the Devara et al. reference since both of the tem teach the use of subtitles in the identification of specific program criteria. One of ordinary skill in the art would have been led to make such a combination for the advantages given above.

Office Action dated February 22, 2008, pp. 4-5.

Claim 2 depends from claim 1. The obviousness rejection of claim 2 is predicated upon the assertions made with respect to claim 1. As shown above, *Lapierre* in view of *Robson* does not make obvious claim 1, and therefore does not make obvious claim 2, at least by virtue of its dependency on claim 1.

Additionally, *Devara* does not overcome the shown deficiencies of *Lapierre* reference in view of the *Robson*. *Devara* does not disclose "identifying *a video portion... that should be altered based on the rating obtained from the set of text*." Instead, *Devara* is directed towards the classification of television programs by receiving and parsing cues from transcript information wherein each of the cues is associated with a type of program. *Devara* is wholly devoid of disclosure regarding the shown deficiencies of *Lapierre* reference in view of the *Robson* with regard to claim 1.

Therefore, in light of the amendments to claim 1, the cited references do not state a *prima facie* obviousness rejection against claim 2. Applicants submit that the rejection of claim 2 under 35 U.S.C. § 103 has been overcome.

II(c).   35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 4, 6, 17, and 19 under 35 USC 103(a) as being unpatentable over *Lapierre* (US 6,075,550), hereinafter *"Lapierre"* in view of *Robson et al.* (US Pat. App. No. 2004/006767 A1), hereinafter *"Robson"*, as applied to claim 1 above, and further in view of *Li et al.* (US Pat. App. No. 2003/0107592 A1), hereinafter *"Li"*.

With regard to claim 4, the Examiner states the following:

> With respect to Claim 4, the claimed "performing Bayesian filtering on a set of text" is not explicitly taught by the Lapierre reference in view of the Robson et al. reference. The Lapierre reference in view of the Robson et al. reference teach a system of identifying text in subtitles, analyzing this text to obtain a rating, selecting and altering

a corresponding portion of video and/or audio. However, Lapierre in view of Robson et al. does not specifically disclose that the text is analyzed by performing Bayesian filtering on it. The Li et al reference teaches the used of video, audio, and transcript information to detect specific people in a multimedia program (see Abstract) and par. 0008). Furthermore, the Li et al teaches the analysis of these components by the use of processor 27 implementing Bayesian software (par. 0038). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention to have combined the Lapierre reference as modified by the Robson et al reference, as described above, with the teachings of the Li et al reference in order to allow for additional subtitle analysis options.

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Claims 4 and 6 depend from claim 1. Claims 17 and 19 depend from claim 15. The obviousness rejection of claims 4, 6, 17, and 19 are predicated upon the assertions made with respect to their corresponding independent claims. As shown above, *Lapierre* in view of *Robson* does not make obvious claim 1 or claim 15, and therefore does not make obvious claims 4, 6, 17, and 19, at least by virtue of their dependency on the corresponding independent claims.

Additionally, *Li* does not overcome the shown deficiencies of *Lapierre* reference in view of the *Robson*. *Li* does not disclose "identifying *a video portion… that should be altered based on the rating obtained from the set of text*." Instead, *Li* is directed towards an information tracking device that analyzes the content data from a video or television signal sources and extract relevant stories corresponding to a query criteria. *Li* is wholly devoid of disclosure regarding the shown deficiencies of *Lapierre* reference in view of the *Robson* with regard to claim 1.

Therefore, in light of the amendments to claim 1, the cited references do not state a *prima facie* obviousness rejection against claims 4, 6, 17, and 19. Applicants submit that the rejections of claims 4, 6, 17, and 19 under 35 U.S.C. § 103 have been overcome.

II(d). 35 U.S.C. § 103, Obviousness

The Examiner has rejected claim 23 under 35 USC 103(a) as being unpatentable over *Lapierre* (US 6,075,550), hereinafter "*Lapierre*" in view of *Robson et al.* (US Pat. App. No. 2004/006767 A1), hereinafter "*Robson*", as applied to claim 1 above, and further in view of *Kwoh* (US Pat. No. 6,115,057), hereinafter "*Kwoh*".

With regard to claim 23, the Examiner states the following:

With respect to Claim 23, the claimed "wherein the rating comprises at least one system on the identification of an objectionable portion of a multimedia program, whereby different types and levels of intensity of objectionable material are used (Abstract; paragraphs [0003], [0003], [0003], [0003], [0003], [0003], [0003]). However, the Robson et al reference is silent as to the use of a rating system using G, PG, PG-13, and R. In the same field of endeavor, the Kwoh reference teaches the use of

rating data to indicate a rating level for particular program video segments, whereby the rating level can be PG-13, PG, G, R, or X. (Abstract; col. 1, line 65 to col. 2, lines 2; col. 17, lines 46-58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Lapierre as modified by the Robson et al. reference, as described above, with that of the invention of Kwoh in order to allow an additional rating system for which objectionable content could be categorized. Such a modification would allow the invention of Lapierre as modified by the Robson et al. reference, as described above, to offer a user a comprehensive and widely used rating system for objectionable content filtering.

Office Action dated February 22, 2008, pp. 4-5.

Claim 23 depends from claim 1. The obviousness rejection of claim 23 is predicated upon the assertions made with respect to claim 1. As shown above, *Lapierre* in view of *Robson* does not make obvious claim 1, and therefore does not make obvious claims 23, at least by virtue of their dependency on claim 1.

Additionally, *Kwoh* does not overcome the shown deficiencies of *Lapierre* reference in view of the *Robson*. *Kwoh* does not disclose "identifying *a video portion... that should be altered based on the rating obtained from the set of text*." Instead, *Kwoh* is directed towards a parental control viewing device wherein only media content less objectionable than an entered threshold is viewable. For example, if a parent enters a threshold of PG, then only programs with a rating of G or PG are viewable. *Kwoh* is wholly devoid of disclosure regarding the shown deficiencies of *Lapierre* reference in view of the *Robson* with regard to claim 1.

Therefore, in light of the amendments to claim 1, the cited references do not state a *prima facie* obviousness rejection against claim 23. Applicants submit that the rejections of claim 23 under 35 U.S.C. § 103 has been overcome.

III.   Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: May 15, 2008   Respectfully submitted,

                                      /Brandon G. Williams/
                                      Brandon G. Williams
                                      Reg. No. 48,844
                                      Yee & Associates, P.C.
                                      P.O. Box 802333
                                      Dallas, TX 75380
                                      (972) 385-8777
                                      Attorney for Applicants